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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,585	12/08/2003	Adam Paul Medoro	TOR7048	8954
34356	7590	04/07/2006		
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216			EXAMINER BEACH, THOMAS A	
			ART UNIT 3671	PAPER NUMBER

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Taber 3,457,015. Taber shows an apparatus for resurfacing an ice surface and having a dolly including a body and a handle 35 attached thereto, a plurality of wheels 15, 17 connected to said body and for supporting same thereon so that said dolly can be rolled on an ice surface; a reservoir 13 removably fastenable onto said body and for housing fluid therein, said reservoir having a front end portion provided with a first aperture (cap on top) for receiving fluid therethrough and further having a rear end portion provided with a second aperture 2 for dispensing fluid therefrom, and means 90 for operably receiving fluid from the second aperture and distributing fluid substantially evenly onto an ice surface adjacent to the rear end portion of said reservoir.

***Claim Rejections - 35 USC § 103***

2. Claims 2, 4, 6, 8, 9, 11, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 in view Jones 4,274,589. Taber shows a valve 52 connected to the second aperture and for selectively allowing fluid to flow therefrom, an elongate pipe connected to said valve and having a plurality of substantially evenly spaced perforations for allowing fluid to pass therethrough, an elongate support member 90 extending along the length of said pipe 80 and secured thereto at opposed end portions of said pipe and for assisting to maintain same at a

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substantially stable position during operating conditions, but does not show a plurality of elongate ropes having one end portion attached to the rear end portion of said reservoir respectively and further having an opposed end portion attached to a corresponding end portion of said support member so that same can be maintained at a substantially stable position during operating conditions, and an applicator connected to said support member and for receiving fluid and for assisting to evenly apply fluid onto an ice surface. However, Jones shows a similar apparatus capable of dispensing water to an ice surface having a valve connected to the second aperture and for selectively allowing fluid to flow therefrom, an elongate pipe connected to said valve and having a plurality of substantially evenly spaced perforations for allowing fluid to pass therethrough, an elongate support member extending along the length of said pipe and secured thereto at opposed end portions of said pipe and for assisting to maintain same at a substantially stable position during operating conditions, a plurality of elongate ropes 44 having one end portion attached to the rear end portion of said reservoir respectively and further having an opposed end portion attached to a corresponding end portion of said support member so that same can be maintained at a substantially stable position during operating conditions (claims 9 and 16), and an applicator connected to said support member and for receiving fluid and for assisting to evenly apply fluid onto an ice surface (col. 2, lines 58-69 and col. 3, lines 1-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taber, as taught by Jones, to fold up the frame for transport, thereby improving maneuverability of the apparatus.

As concern claims 4, 11 and 18, the combination show (in figure 4 of Taber) the reservoir positioned above the rear end.

As concern claims 6 and 13, combination show cap (Taber) removably attachable to the first aperture of said reservoir and for preventing undesirable elements from entering into said reservoir.

As concern claim 8, the combination (Taber) shows cloth material around 90.

As concern claim 12, the combination shows the front end portion of said reservoir is positioned above the rear end portion thereof and for assisting to drain fluid from the reservoir.

As concern claim 13, Taber shows a plate secured to said dolly, said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions.

As concern claim 15, Taber at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle.

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 in view Sauer 4,962,892. Taber does not show said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. However, Sauer shows, in figures 1-9, a similar apparatus having a plate including a pin for pivotally connecting

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same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Taber, as taught by Sauer, to include a pivot pin and plate to improve the versatility of the apparatus by making the handle adaptable to users of varying heights.

4. Claims 12, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taber 3,457,015 and Jones 4,274,589, as applied to the claims above, further in view of Sauer 4,962,892. The combination does not show said plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. However, Sauer shows, in figures 1-9, a similar apparatus having a plate including a pin for pivotally connecting same to said handle so that said dolly can be pulled in different directions during operating conditions or at least one of said plurality of wheels is operably connected to said handle so that said one wheel is caused to move in a direction corresponding to the movement of said handle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination, as taught by Sauer, to include a pivot pin and plate to improve the versatility of the apparatus by making the handle adaptable to users of varying heights.

***Allowable Subject Matter***

5. Claims 3, 10, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 01/17/06 have been fully considered but they are not persuasive. Applicant's arguments regarding Taber are noted; however, no arguments regarding claim 1 were presented, thus that rejection stands. Applicant's arguments regarding the elongated member are noted; however, figure 1 clearly shows element 90 extending the length of the pipe while being supported at its general end portions by 101. Applicant's arguments regarding the ropes of being too costly amount to assertions and the requirement of a hoist derrick is not patentably distinct since the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant's arguments regarding the plate are noted; however, the secondary reference Sauer teaches the use of a plate, thus the rejection is maintained.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Thomas A. Beach

April 3, 2006

**THOMAS A. BEACH**  
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Group 3600